

AMENDED IN ASSEMBLY APRIL 13, 2000

AMENDED IN ASSEMBLY APRIL 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2130

Introduced by Assembly Member Corbett

February 23, 2000

An act to amend Section 3751.5 of the Family Code, relating to family health coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 2130, as amended, Corbett. Family health insurance coverage.

Existing law requires an insurer, in any case in which health insurance is provided to a child pursuant to a court or administrative order, to provide information about the coverage to both parents or the person having custody of the child or to the district attorney, as specified.

This bill would require the insurer to include in that information the health insurance membership or identification card regarding the child, the evidence of coverage and disclosure form, and any other information provided to the covered parent about the child's health care coverage to the noncovered parent *having custody of the child* or *any other* person having custody of the child. The bill would also require the insurer to notify the covered and noncovered parent or person having custody of the child if the

child's health care coverage is altered or terminated at any time.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3751.5 of the Family Code is
2 amended to read:

3 3751.5. (a) Notwithstanding any other provision of
4 law, an employer or insurer shall not deny enrollment of
5 a child under the health insurance coverage of a child's
6 parent on any of the following grounds:

7 (1) The child was born out of wedlock.

8 (2) The child is not claimed as a dependent on the
9 parent's federal income tax return.

10 (3) The child does not reside with the parent or within
11 the insurer's service area.

12 (b) Notwithstanding any other provision of law, in any
13 case in which a parent is required by a court or
14 administrative order to provide health insurance
15 coverage for a child and the parent is eligible for family
16 health coverage through an employer or an insurer, the
17 employer or insurer shall do all of the following, as
18 applicable:

19 (1) Permit the parent to enroll under health insurance
20 coverage any child who is otherwise eligible to enroll for
21 that coverage, without regard to any enrollment period
22 restrictions.

23 (2) If the parent is enrolled in health insurance
24 coverage but fails to apply to obtain coverage of the child,
25 enroll that child under the health coverage upon
26 presentation of the court order or request by the district
27 attorney, the other parent or person having custody of the
28 child, or the Medi-Cal program.

29 (3) The employer or insurer shall not disenroll or
30 eliminate coverage of a child unless either of the
31 following applies:

32 (A) The employer has eliminated family health
33 insurance coverage for all of the employer's employees.



(B) The employer or insurer is provided with satisfactory written evidence that either of the following apply:

(i) The court order or administrative order is no longer in effect or is terminated pursuant to Section 3770.

(ii) The child is or will be enrolled in comparable health insurance coverage through another insurer that will take effect not later than the effective date of the child's disenrollment.

(c) In any case in which health insurance coverage is provided for a child pursuant to a court or administrative order, the insurer shall do all of the following:

(1) Provide any information, including, but not limited to, the health insurance membership or identification card regarding the child, the evidence of coverage and disclosure form, and any other information provided to the covered parent about the child's health care coverage to the noncovered parent—~~or~~ *having custody of the child or any other person having custody of the child* and to the district attorney when requested by the district attorney.

(2) Permit the noncovered parent or person having custody of the child, or a provider with the approval of the noncovered parent or person having custody, to submit claims for covered services without the approval of the covered parent.

(3) Make payment on claims submitted in accordance with subparagraph (2) directly to the noncovered parent or person having custody, the provider, or to the Medi-Cal program. Payment on claims for services to the child shall be made to the covered parent for claims submitted or paid by the covered parent.

(d) For purposes of this section, "insurer" includes every health care service plan, self-insured welfare benefit plan, including those regulated pursuant to the Employee Retirement Income Security Act of 1974 (29 U.S.C. Sec. 1001, et seq.), self-funded employer plan, disability insurer, nonprofit hospital service plan, labor union trust fund, employer, and any other similar plan, insurer, or entity offering a health coverage plan.

1 (e) For purposes of this section, “person having
2 custody of the child” is defined as a legal guardian, a
3 caregiver who is authorized to enroll the child in school
4 or to authorize medical care for the child pursuant to
5 Section 6550, or a person with whom the child resides.

6 (f) For purposes of this section, “employer” has the
7 meaning provided in Section 5210.

8 (g) For purposes of this section, the insurer shall notify
9 the covered and noncovered parent ~~or~~ *having custody of*
10 *the child or any other* person having custody of the child
11 in writing at any time that health insurance for the child
12 is altered or terminated.

